THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P. Nos. 25827, 25865 and 25872 of 2000

COMMON ORDER:

In all these three writ petitions, common questions of law and fact arise for consideration. Hence, they are disposed of by this common order.

Petitioners are all Last Grade Employees. The fact that they are Work Charge employees and they are entitled to be continued till they attain the age of 60 years is not in dispute. It appears, one day before attaining the age of 58 years, they were issued with a notice saying that since they gave options under G.O.Ms.No.130 dated 16.3.1981 and the nature of duties attended to by them are not of inferior quality, they are not entitled to continue up to 60 years.

There is no necessity of going into all the details. G.O.Ms.No.130 dated 16.3.1981 has no application to the case of petitioners. It says that persons who opt for benefit therein shall retire at the age of 58 years, if they belong to superior service and their retirement age will be effected notwithstanding the age already fixed in other proceedings. Admittedly, petitioners are Work Charge employees and they are in Last Grade Service (inferior service). It is not the case of respondents that the petitioners are promoted or elevated to superior service under the Regulations. Even under the Last Grade Service Rules, a person working as a Peon, either as a Work Charge employee or otherwise, is entitled to continue up to the age of 60 years. In this case, admittedly petitioners are in inferior service i.e. Last Grade Service and, therefore, whether G.O.Ms.No. 130 dated 16.3.1981 is applied or not, it will not have any effect on them. Even otherwise, petitioners are 'workmen' within the meaning of Industrial Disputes Act and they are entitled to continue in service up

to the age of 60 years. Section 3(3) of the A.P. Employment (Regulation of Age of Superannuation) Act, 1984 also states that the superannuation of Industrial Worker is 60 years.

From all the above, I am of the opinion that the Labour Court has not properly considered this aspect and erroneously dismissed the claims of the petitioners. Petitioners are entitled to be continued in service up to the age of 60 years.

Now, since the petitioners stand retired on attaining the age of even 60 years, they are entitled for all the wages including pension, gratuity etc. for two years i.e. from the date of their retirement at the age of 58 years till they attained 60 years. Respondents shall calculate the same and pay to the petitioners, within a period of two months from the date of receipt of a copy of this Order, and extend all other benefits, as per law.

The writ petitions are accordingly allowed. No order as to costs.

JUSTICE C.V. RAMULU.

Date: 25-11-2010.

Note:

Issue copies within a week.

(BO)

MVB.